

### **REMARKS**

After entry of this amendment, claims 32-52 and 71-78 are pending in this application. Claims 1-34 and 53-70 are cancelled. Claims 36, 41, and 47 are amended to correct obvious typographical errors that were identified by the Examiner in the office action of March 30, 2009. New claims 71-78 have been added. The subject matter of claims 9, 24, 31-33, 61, 68, and 69, originally presented and now cancelled by the present claim amendments, has been rewritten in independent form and presented as new claims 71-78, as suggested by the Examiner in paragraph 13 of the Office Action.

The foregoing amendments are taken in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which the Applicant would otherwise be entitled in view of the prior art.

By amending the application, the Applicant does not concede that the patent coverage available to them would not extend as far as the original claim. Rather, Applicant reserves the right to file a continuation application to pursue the breadth of the claims as filed.

Further, by the present amendment, it does not follow that the amended claims have become so perfect in their description that no one could devise an equivalent. After amendment, as before, limitations in the ability to describe the present invention in language in the patent claims naturally prevent the Applicant from capturing every nuance of the invention or describing with complete precision the range of its novelty or every possible equivalent. See, Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., 62 USPQ2d 1705 (2002). Accordingly, the foregoing amendments are made specifically in the interest of expediting prosecution and there is no intention of surrendering any range of equivalents to which the Applicant would otherwise be entitled.

### **Oath/Declaration**

In the Office Action, the Examiner noted that the oath or declaration is defective because the declaration filed on May 2, 2007 recites a filing date for the underlying PCT patent application serial no. PCT/US2005/04105 as February 12, 2004. This correct filing date for this PCT patent application is February 10, 2004.

The Applicant submits a corrected oath/declaration with this response.

### **Claim Objections**

The Examiner objects to claims 2, 7, 17, 22, 36, 41, 54, and 59, because these claims recite obvious typographical errors. Claims 36 and 41 are hereby amended to correct the obvious typographical errors as suggested by the Examiner in paragraph 3 of the Office Action, and claims 2, 7, 22, 54, and 59 are cancelled by the present claim amendments. Therefore, the Applicant requests that the Examiner withdraw the objections to the these claims.

### **Claim Rejections Under 35 USC § 112 ¶2**

The Examiner rejects claims 13, 28, 47 and 65 under 35 USC § 112 ¶2, because these claims recite the phrase "selected from", which "is considered indefinite since this is improper Markush language." See paragraph 5 of the Office Action. Furthermore, the Examiner contends that these claims recite tradenames such as "Sepisol Fast Blue 2BR" that are "considered indefinite since the relationship between a trademark and the product it identifies is sometimes indefinite, uncertain or arbitrary." *Id.*

The present claim amendments cancel claims 13, 28, and 65, and amend claim 47 to recite "selected from the group consisting of" as the Examiner suggests in paragraph 5 of the Office Action. Claim 47 is further amended to remove the tradenames identified by the Examiner in paragraph 5 of the Office Action.

### **Claim Rejections Under 35 USC § 102 (b)**

The Examiner rejects claims 1-8, 13, 15-23, 28, 30, 34, 53-60, 65, 67, and 70 under 35 USC § 102 (b) as being anticipated by U.S. Patent No. 4,045,397. The Examiner further rejects claims 1-8, 13-23, 28-30, 34, 53-60, 65-67, and 70 under 35 USC § 102 (b) as being anticipated by U.S. Patent No. 5,652,286.

The present claim amendments cancel claims 1-8, 13, 15-23, 28, 30, 34, 53-60, 65, 67, and 70.

**Claim Rejections Under 35 USC § 103 (a)**

The Examiner rejects claims 10-12, 25-27, and 62-64 under 35 USC § 103 (a) as being unpatentable over U.S. Patent No. 5,652,286 in view of U.S. Patent No. 6,413,306.

The present claim amendments cancel claims 10-12, 25-27, and 62-64.

**Allowable Subject Matter**

The Applicant thanks the Examiner for acknowledging the allowable subject matter presented in claims 9, 24, 31-33, 35-52, 61, 68, and 69.

**CONCLUSION**

After entry of the present claim amendments, the Applicant respectfully requests that the Examiner withdraw the objections to claims 2, 7, 17, 22, 36, 41, 54, and 59, because claims 2, 7, 17, 22, 54, and 59 are cancelled by the present claim amendments, and the typographical errors in claims 36 and 41, identified by the Examiner, are corrected by the present claim amendments. The Applicant requests that the Examiner withdraw the rejection of claims 13, 28, 47, and 65 under 35 USC § 112 ¶2, because claims 13, 28, and 65 are cancelled by the present claim amendment, and claim 47 is presently amended as the Examiner suggests in paragraph 5 of the Office Action. The Applicant further requests that the Examiner withdraw the claim rejections of claims 1-34 and 53-70 under 35 USC § 102 (b) and § 103 (a), because these claims are presently cancelled.

The Applicant submits that the rejections raised by the Examiner in the Office Action should be withdrawn, and all the pending claims as currently examined are now in the condition for allowance, which action is respectfully requested.

**REQUEST FOR EXTENSION OF TIME**

Applicants request that the due date for responding to the Office Action be extended for three months, from March 30, 2009. Please charge the requisite fee of \$555.00 to Deposit Account No. 503145, referencing the Attorney Docket No. 223309-120102. If there are any other charges or credits, please apply them to the same Deposit Account and refer to the same Attorney Docket number.

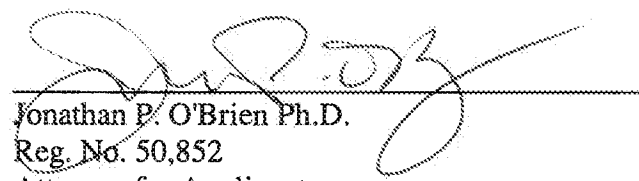
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Respectfully submitted,

Date: \_\_\_\_\_

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